

Hon. J. N. Whitehead

U.S. District Court  
for the Western District of Washington

SEATTLE SCHOOL DISTRICT  
NO. 1, Plaintiff,  
v.

KURT BENSHOOF, Defendant  
and

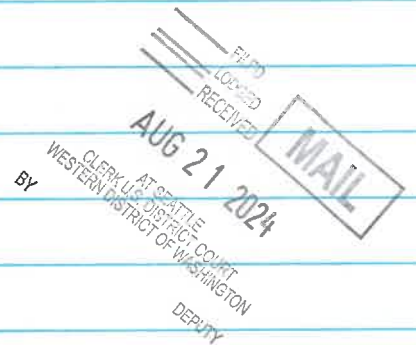
KURT BENSHOOF, Counterclaim  
Plaintiff

and A.R.W. By And Through  
His Father KURT BENSHOOF,  
Counterclaim Plaintiff,  
v.

SEATTLE SCHOOL DISTRICT NO. 1,  
NATHAN CLIBER, BLAIR RUSS,  
KING COUNTY, JESSICA OWEN,  
SARAH MACK, GREGORY NARNER,  
Counterclaim Defendants.

No. 2:23-CV-1829-JNW

COUNTERCLAIM  
PLAINTIFFS' NOTICE  
OF APPEAL.



KURT BENSHOOF, on behalf of himself  
and as next friend under FRCP 17 to  
his fifteen year old son, A.R.W., give  
notice of their appeal to the U.S.  
Court of Appeals for the Ninth Circuit.

Counterclaim Plaintiff Kurt Benshoof ("Benshoof") has been held incommunicado by King County officials since July 3, 2024, unable to obtain a piece of paper, an envelope, postage, or to access a printer or computer. Today, August 16, 2024, is the first day Benshoof has been able to write and mail a document to any court, including U.S. District Court.

Benshoof is indigent and cannot pay the Ninth Circuit appellate filing fee in this case.

Benshoof's computers, phones and his computer files, records and evidence were unlawfully seized in a SWAT raid of Benshoof's home church on July 3, 2024. The raid involved approximately fifteen (15) SWAT in full riot gear, a helicopter over Benshoof's home church, a robot sent into Benshoof's home church, flash bang grenades, and the windows of Benshoof's home church were shot out as SWAT fired chemical weapons grenades into Benshoof's home church over several hours.

The habeas corpus petitions filed by Benshoof's congregation members and friends were assigned to Judge



Jamal Whitehead across two separate cases, beginning on or around July 16, 2024, in case nos. 2:24-mc-0043-JNW and 2:24-cv-01110-JNW-SKV. To date, Judge Whitehead has refused to issue a writ of habeas corpus, despite the federal law requirement that a writ be issued within **THREE (3) DAYS**.

"If letters and ~~documents~~ private documents can thus be seized and held and used against a citizen accused of an offense, the protection of the Fourth Amendment declaring his right to be secure against such searches and seizures is of no value, and, so far as those thus placed are concerned, might as well be stricken from the Constitution." *Mapp v. Ohio*, 367 U.S. 643, at 648 (1961) quoting *Weeks v. United States*, 232 U.S. 383 at 393 (1914).

Yet again, an ordinary person exercising objective reasonableness, would conclude that Judge Whitehead is conspiring with King County officials, City of Seattle officials, and private attorneys and perjuring prostitutes, to deny Benshoof's rights.

"Detention incommunicado for days on  
PAGE 3 OF 5

end is so fraught with evil that we should hold it to be inconsistent with the requirements of that free society which is reflected in the Bill of Rights. It is the means whereby the commands of the Fifth Amendment... are circumvented." *Reck v. Pate*, 367 U.S. 433, at 448 (1961). "Detention incommunicado was the secret of the Inquisition and is the secret of successful interrogation in communist countries." *Reck v. Pate*, at 446, ~~447~~

Because Benshoof has no computer or printer access, Benshoof cannot download any court forms or print them.

For now, the interests of justice require the Court to accept this Notice of Appeal as sufficient to preserve the right of Counterclaim Plaintiffs to appeal and orders of dismissal and denial issued by Judge Whitehead in the instant case, until such time as Benshoof's rights are not being violated and Benshoof is afforded adequate access to computers, printers, and other materials needed to file and compose documents in federal court.

Benshoof states the foregoing under

penalty of perjury this 16<sup>th</sup> day of August 2024 in Kent Washington. Benshoof has been denied an ~~ink~~ ink pen since his unlawful arrest on July 3, 2024 and must sign in pencil.

Kurt Benshoof  
Kurt Benshoof



US POSTAGE

quadrant  
FIRST-CLASS MAIL  
IMI  
\$000.69<sup>0</sup>  
08/19/2024 ZIP 98032  
043M31239977

SEATTLE WA 980  
19 AUG 2024PM 7

Name Bersneck, Kurt  
BA# 2024-008007  
King County Correctional Facility  
500 5th Avenue  
Seattle, WA 98104-2332

FILED  
10/20/24  
RECEIVED

AUG 21 2024

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY

CLERK, U.S. District Court  
700 Stewart Street  
Suite 2310  
Seattle, WA 98101

FOR LEGAL MAIL ONLY

98101-444285

